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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,596	09/12/2001	Anton Gunzinger	FREI P033US-2	8857
21121	7590	03/24/2004	EXAMINER	
OPPEDAHL AND LARSON LLP P O BOX 5068 DILLON, CO 80435-5068			ELLIS, RICHARD L	
		ART UNIT	PAPER NUMBER	
		2183	20	
DATE MAILED: 03/24/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/954,596	GUNZINGER, ANTON
	<b>Examiner</b>	<b>Art Unit</b>
	Richard Ellis	2183

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 9/29/2003 & 12/17/2003.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 16-31, and 33-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 16-31, 33 and 34 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

1. Claims 16-31 remain for examination. Claims 33-34 are newly presented for examination.
2. The text of those sections of Title 35, US Code not included in this action can be found in a prior Office Action.
3. Claims 16-31 are rejected under 35 USC 102(b) as being clearly anticipated by Parrish et al., U.S. Patent 5,117,350.

Parrish et al. was cited as a prior art reference in paper number 14, mailed March 28, 2003.

4. The rejections are respectfully maintained and incorporated by reference as set forth in the last office action, paper number 14, mailed March 28, 2003.
5. New claims 33-34 rejected under 35 USC 102(b) as being clearly anticipated by Parrish et al., U.S. Patent 5,117,350 for the same reasons as the rejection of claims 16-31, supra.

Applicant states at pg. 12 of the first response (paper number 17) that new claims 33 and 34 are identical to claims 16 and 21 but with added language relation to the message passing bus of the invention. As detailed below, Parrish et al. did indeed teach a message passing communications network to the extent that such network is detailed in the claim language, and therefore, new claims 33-34 are rejected for the same reasons as claims 16-31 were rejected in the previous office action.

6. Applicant's arguments filed September 29, 2003, paper numbers 17 and 19 (corrected amendment), have been fully considered but they are not deemed to be persuasive.

7. In the remarks, applicant argues in substance:

- 7.1. That: "The most important distinction is that in each pending claim, there is an express limitation that the processor elements are coupled by means of a message-passing communications network. In contrast, the processor elements of Parrish are coupled by means of a bus."

This is not found persuasive because Parrish et al. at col. 4 lines 3-8 indicates that the "bus" of his invention is a message passing communications network:

"A unique bus structure that permits the use of both a transaction process and a message process is disclosed in U.S. patent application Ser. No. 07/232,155, filed

Aug. 15, 1988 and entitled "Broadcast Bust with Multi-Level Arbitration" (Parrish et al), whose teaching are incorporated herein by reference." (emphasis added)

Accordingly, the text of Parrish et al. indicates that the bus is a message passing communications network, and additionally incorporates by reference a copending application which further details and describes that same message passing communications network. In the copending application (available because of the incorporation by reference into the issued patent), Parrish states:

"Computer bus architectures have traditionally been designed to support either a transaction process or a message process for communication between functional units of a digital computer, but not both. Typically, message busses are serial while transaction busses use a parallel transmission. The two methods of information transfer use control and flag bits to identify types of transfers in a closed-loop communication. Transactions also occur between two modules where command data is placed on the bus rather than an address and data transfer. The transaction process is efficient when units are sharing values but requires the dedication of several bus lines to the transmission of an address field, which is not necessary in block transfers of data. The message process uses a set of bus lines to transmit data from one unit to another. These messages are typically started with a header which identifies the message content, followed by data and concluding with an end symbol. This method is efficient when sharing blocks of data between units but slow when sharing values." pg. 7-8.

"The present invention concerns a synchronous, time multiplexed, parallel bus architecture which operates in an open-loop broadcast mode and is capable of supporting both transaction process and message process communications among plural functional units." pg. 12. (emphasis added)

Therefore, as seen from both the published patent as well as the incorporated application, the bus of Parrish et al. is indeed a message passing communications network such as that claimed in the present application. Therefore, Parrish et al. anticipates the claims as they are presently written.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR § 1.136(a). The practice of automatically extending the shortened statutory period an additional month upon the filing of a timely first response to a final rejection has been discontinued by the Office. See 1021 TMOG 35.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED

STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CFR § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Richard Ellis whose telephone number is (703) 305-9690. The Examiner can normally be reached on Monday through Thursday from 7am to 5pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Eddie Chan, can be reached on (703) 305-9712. The fax phone number for the USPTO is: (703)872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Richard Ellis  
March 18, 2004



RICHARD L. ELLIS  
PRIMARY EXAMINER